

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Xavier Perry,)	C/A No.: 8:13-1656-JFA-JDA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Larry Cartlege, et al.)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Xavier Perry, is an inmate with the South Carolina Department of Corrections. He brings this civil action *in forma pauperis* and pursuant to 42 U.S.C. § 1983. After the defendants answered the original complaint, plaintiff filed an amended complaint adding new defendants. He also filed a motion for a preliminary injunction wherein he contends he has been denied outdoor exercise.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the plaintiff's motion for a preliminary injunction should be denied. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

Recommendation and he has timely done so.

The plaintiff contends that he has been denied opportunities for exercise outside of his cell and that he has been confined indoors for 24 hours a day without the opportunity for outdoor exercise. He requests that he be allowed to exercise outside his cell at least five days a week, weather permitting.

The Magistrate Judge has carefully reviewed the motion under the appropriate standards of law and opines that the plaintiff is not entitled to relief.

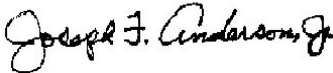
The plaintiff objects to the Report of the Magistrate Judge, essentially repeating all the arguments made in his initial motion for a preliminary injunction. As such, the plaintiff's objections are overruled.

After carefully reviewing the applicable laws, the record in this case, the Report and Recommendation, and the objections thereto, this court adopts and incorporates the Report herein by reference.

Accordingly, plaintiff's motion for a preliminary injunction (ECF No. 28) is denied.

IT IS SO ORDERED.

September 24, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge